

EXHIBIT H

Mark J. Sideman - October 27, 2017

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SUSAN SIDEMAN and MARK)
SIDEMAN,)
)
Plaintiffs,)
)
vs.) CIVIL NO. 5:17-CV-00023-OLG
)
FARMERS GROUP, INC., a)
Nevada Corporation,)
)
Defendant.)

ORAL DEPOSITION OF
MARK J. SIDEMAN
October 27, 2017

ORAL DEPOSITION OF MARK J. SIDEMAN, produced as a
witness at the instance of the Defendant, and duly
sworn, was taken in the above-styled and numbered
cause on October 27, 2017, from 10:56 a.m. to
11:12 a.m., before WILLIAM M. FREDERICKS, CSR in and
for the State of Texas, reported by machine shorthand
at the offices of Gravely & Pearson, L.L.P.,
425 Soledad, Suite 600, San Antonio, Texas, pursuant
to the Federal Rules of Civil Procedure.

A P P E A R A N C E S

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ALSO PRESENT: Ms. Susan Sideman.

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E X H I B I T S

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(Previously Marked Exhibits)		
Exhibit 1	Texas Farmers Insurance Company document bearing Bates numbers PL 0058 through PL 0070	7
Exhibit 2	Farmers Insurance Claim Outcome Letter dated May 24, 2016, bearing Bates numbers PL 0071 through PL 0078	7
Exhibit 3	Letter from Mark Gravely to Farmers Group, Inc., dated January 13, 2017 bearing Bates numbers FGI000487 and 488	8
Exhibit 4	Texas Department of Insurance documents bearing Bates numbers PL 0136 through PL 0140	9
Exhibit 5	Farmers policy renewal documents dated 06-05-2012 bearing Bates numbers PL 0001 through PL 0017	9
Exhibit 6	Farmers Next Generation Homeowners Policy bearing Bates numbers PL 0019 through PL 0056	10
Exhibit 7	Farmers insurance coverage documents bearing Bates numbers FGI000190 through FGI000209	13

1 correct?

2 A. It is a metal roof, yes.

3 Q. Okay. And prior to April 11, 2016, were you
4 aware of any damage to the roof?

5 A. No.

6 Q. Okay. And -- well, let me -- it was a
7 hailstorm that affected the roof, is that correct?

8 A. Correct.

9 Q. And that was on or about April 2016, is that
10 right?

11 A. Correct.

12 Q. Okay. And you weren't aware of any damage to
13 the roof before that?

14 A. No.

15 Q. Okay. And how would you describe the damage
16 to the roof that occurred as a result of the
17 hailstorm?

18 A. I thought it was extensive.

19 Q. Okay. And when you say "extensive," what do
20 you mean?

21 A. Well, I -- really damaged. It put a hole
22 that big through my skylight (indicating), and, yeah,
23 I -- it was bad.

24 Q. So the hole in the skylight, obviously water
25 came in from that?

1 A. Sure.

2 Q. And I believe we heard that water came in
3 through a vent that was damaged?

4 A. In the dining room.

5 Q. Okay. Are you aware of water coming in
6 through any other opening created by the hail?

7 A. Not -- no.

8 Q. Okay. And you had the house inspected to see
9 if there was any other water damage?

10 A. Yes.

11 Q. Okay. And did that reveal any other water
12 coming in?

13 A. No.

14 Q. Okay. Mr. Sideman, could you look at
15 Exhibit 1. It might have gotten to the bottom of your
16 stack.

17 A. No, I've got it here.

18 Q. Is that it there? Okay. Great.

19 Have you ever seen this document before
20 today?

21 A. No.

22 Q. Okay. And could you look at Exhibit 2.

23 Have you ever seen this document before
24 today?

25 A. No.

1 Q. Okay. And Exhibit 3, have you ever seen this
2 document before today?

3 A. No.

4 Q. Okay. And that one I want to ask you one or
5 two more questions on. If you'd look at the second
6 page. It's Bates numbered FGI000488.

7 A. On Exhibit 3 or 4?

8 Q. It should be Exhibit 3.

9 MR. LONGLEY: 488.

10 THE WITNESS: Okay. Yeah.

11 Q. (BY MR. HUGHES) Got it? The numbers are a
12 little bit hard to see.

13 A. Yeah.

14 Q. Would you mind reading for me the third line
15 and the dollar amount on that table there in the
16 middle of the page.

17 A. "Mental Anguish Mr. Sideman," 5,000.

18 Q. Okay. As a result of that hail damage or as
19 a result of the manner in which the claim was
20 adjusted, have you obtained any professional treatment
21 or counseling or anything else?

22 A. No.

23 Q. As you sit here today, do you feel like you
24 have mental anguish?

25 A. Yes, I do.

1 Q. But do you have a basis for the \$5,000
2 amount?

3 A. Yes.

4 Q. And what is that?

5 A. Dealing with my wife and being upset every
6 day since the hail damage.

7 Q. Okay. And would you mind reading the line
8 below that that starts with "Loss."

9 A. "Loss of Use."

10 Q. Okay. Were you ever forced to move out of
11 the house as a result of the hail damage?

12 A. No.

13 Q. If you wouldn't mind looking at Exhibit 4,
14 and turn to Page 3 with the Bates number at the bottom
15 PL 0138. So it should be a letter from Farmers.

16 A. Yes.

17 Q. Have you ever seen this document before
18 today?

19 A. No.

20 Q. Okay. If you wouldn't mind going to
21 Exhibit 5, please.

22 Have you ever seen this document before
23 today?

24 A. Never.

25 Q. Okay. Would you mind turning to Page 3,

1 PL 003.

2 You've never seen this page before?

3 A. Never seen it.

4 Q. This is a declarations page?

5 A. Yep.

6 Q. Okay. And Exhibit 6, please, and turn to
7 Page 2. That's PL 0020.

8 Have you ever seen this document before?

9 A. Never seen it.

10 Q. Okay. This is -- would you mind reading the
11 last line in the "Endorsements" box in the middle of
12 the page.

13 A. "Endorsements"?

14 Q. Uh-huh.

15 A. On that same page?

16 Q. Yes, that's right. There should be a --
17 right in the middle of the page there's a box or a
18 table.

19 A. Okay.

20 MR. LONGLEY: Which exhibit are you on,
21 James?

22 MR. HUGHES: I think it was 6.

23 MR. LONGLEY: On 6. Okay.

24 THE WITNESS: Oh.

25 Q. (BY MR. HUGHES) It should be right in the

1 middle of the page.

2 A. (Indicating)?

3 Q. That's it. That's it. Would you just mind
4 reading for me the last line there in that box.

5 A. Okay. It says "Exclusion Of Marring Of Metal
6 Roof Materials."

7 Q. Okay. And what's the endorsement number
8 there at the beginning?

9 A. Oh. TX184.

10 Q. Okay. And you've never seen that line on
11 this page before today?

12 A. Never seen it.

13 Q. Okay. Would you mind just -- I'm going to
14 have you look at one more page in this document, if I
15 can find it again myself. Okay. PL 0043, please.

16 A. Got it.

17 Q. And would you read the title of this page.

18 A. "Exclusion Of Marring Of Metal Roof
19 Materials."

20 Q. Okay. And do you know what that phrase
21 means, "Exclusion Of Marring Of Metal Roof Materials"?

22 A. No, I do not.

23 Q. Okay. Do you know what a metal roof is?

24 A. Yes.

25 Q. Okay. And do you know what "marring" means?

1 A. I have no idea.

2 Q. So if a six-year-old asked you what the word
3 "marring" means, how would you answer?

4 A. I'd say I have no idea what it means.

5 Q. Well, would you mind reading for me Line 14
6 that's in bold.

7 A. "Exceptions to Uninsured types of damage."

8 Q. And the sentence below that that starts with
9 "However."

10 A. "Breakage, Impairment" --

11 Q. I'm sorry. Right below it. It's very short.
12 "However, we do."

13 A. "However, we do," No. 8, "Marring."

14 Q. Okay. And then would you look at c below
15 that.

16 A. "Hail."

17 Q. And read that sentence for me, please.

18 A. Okay. "Hail, except marring of metal roof
19 materials."

20 Do you want me to continue?

21 Q. Yes, please.

22 A. "Other than where hail causes a distinct and
23 demonstrable actual hole or opening in the metal roof
24 materials, or that results in the failure of the metal
25 roof materials to perform its intended function."

1 Q. Okay. And you've never read that statement
2 before today?

3 A. Never heard of it.

4 Q. Okay.

5 A. Never read it.

6 Q. Thanks. And would you please look at
7 Exhibit 7 and let me know if you've ever seen this
8 document before.

9 A. No.

10 Q. Okay. And for the record, please turn to, I
11 think it's the fifth page, and the Bates number at the
12 bottom is FGI000194.

13 A. Okay.

14 Q. And is this a declarations page?

15 A. That's what it says, "Declarations" page.

16 Q. Okay. And can you look at the "Endorsements"
17 box again in the middle of the page.

18 A. Yes.

19 Q. And read for me the second-to-last
20 endorsement.

21 A. "Exclusion Of Marring Of Metal Roof
22 Materials."

23 Q. Okay. And you've never seen that before
24 today?

25 A. Never seen it.

1 Q. Okay. This is going to be a little bit
2 duplicative.

3 In your household, who handles
4 purchasing insurance?

5 A. My wife.

6 Q. Okay. Have you ever had any contact with
7 Michael Woods about insuring your home?

8 A. No.

9 Q. Have you ever had any contact with anyone
10 else at Farmers, any other Farmers agents regarding
11 insuring your home?

12 A. No.

13 Q. Okay. Never talked to any of them about the
14 roof?

15 A. No.

16 Q. Okay. And did you ever review any estimates
17 of the damage as a result of the hailstorm?

18 A. No.

19 Q. Do you know how much the roof cost to install
20 originally?

21 A. It seemed like 50,000.

22 Q. And do you have any idea what you think it
23 would cost to replace it today?

24 A. No, I'm not sure.

25 Q. Okay. And other than --